

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

UNITED STATES OF AMERICA

VS.

CRIMINAL NO. 2:16-cr-7-KS-MTP

CHARLES BOLTON AND
LINDA BOLTON

ORDER DIRECTING CLARIFICATION FROM MOVANTS' ATTORNEY

BEFORE THIS COURT is “Motion for New Trial Pursuant to Federal Rule of Criminal Procedure 33 Based on Newly Discovered Evidence, or In the Alternative Motion to Reduce Restitution and Other Relief” [350] filed by Linda Bolton with supporting Memorandum [351] . Charles Bolton has joined in Linda Bolton’s Motion [352] . The Government has filed a Response [358] and Movants replied [364].

The Court has considered the above pleadings and finds that Motions [350] and Joinder [352] are unclear regarding some of the allegations and stated facts and fail to cite record backup for same.

The Court directs that counsel for Charles Bolton and Linda Bolton, Honorable Mary Lee Holmes, respond to the following in writing within fourteen (14) days of the date of this Order to the following inquiries. When the Court requests citations to the record it is referring to the entire record of the instant case including attachments. If citations are to deposition testimony from other proceedings that have been made a part of this Court’s record, then citations shall point to this Court’s docket [ECF] number and identify the relevant attachments. Citations shall not be made to any document or testimony not a part of the record herein.

1. Please state with specificity and citations the new information upon which Motion [350] and [352] are based.

2. Please state the evidence listed in response to number 1 above that was unavailable to Movants at the time of their trial. Please point to the record where John Lee admitted that checks at issue in the Bolton's criminal trial from John Lee were for non-taxable events.

3. Please explain and point to the record where John Lee admitted he took deductions which he was not entitled to and how they were directly "against" the Boltons.

4. Please explain and point to the record where the Boltons were wrongly "charged" for illegitimate deductions that John Lee took. John Lee admitted to taking illegitimate deductions in both his guilty plea and the trial of Carl Nicholson, but how were these wrongly charged to the Boltons, and point to specific parts of the record where this is established.

5. How were Robert Jackson and Lee's children "victims" of the scheme and point to the record where this is established.

6. Please state with specificity and citations the newly discovered evidence and how it would likely produce an "acquittal".

7. Specify what newly discovered evidence was unknown to Movants at the time of their trial.

8. What evidence above described was unavailable to Movants at the time of their trial because of John Lee claiming his 5th Amendment privilege.

9. Please itemize with specificity and citations to the record the makeup of the alleged \$318,160.69 that was erroneously imputed to the Boltons as income.

10. Please state how the John Lee plea deal and agreement were exculpatory to the Movants.

11. Point to the record showing where John Lee admitted to tax fraud for the same checks and deductions that the Government alleged were income to the Boltons.

12. Please list the knowingly used false testimony presented by the Government citing the Court to the record thereof.

13. Please explain your position that the Government's withholding disclosure of the plea deal with John Lee was egregious prosecutor misconduct.

14. Please specify the perjurious witness testimony that was used by the Government specifying where in the record same is recorded.

15. Identify the FBI 302 report that was suppressed by the Government in violation of "Brady".

16. How does the John Lee plea deal confirm that the checks alleged to be income to the Boltons were the same checks that John Lee admitted was fraud as to his tax returns.

17. Please point to the record where Lee states that he gave the Boltons the monies to "keep his businesses afloat".

Is it not a fact that during his deposition testimony that John Lee listed a number of jobs or tasks that Charles Bolton did to assist him with his law practice?

18. Point to the record where the District Court "forced" Charles Bolton to proceed with terminated counsel against his wishes.

19. Please point to the record showing the objections filed by the Boltons to the Presentence Report.

20. Please state with specificity and point to the record the showing that the Court violated the Bolton's right to due process under the Fifth and Fourteenth Amendments to the Constitution.

21. Could the Boltons have provided an explanation to the Lee checks had they chosen to take the witness stand?

SO ORDERED this the 10th day of August.

s/Keith Starrett
UNITED STATES DISTRICT JUDGE